FILED

SEP 10 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. CARLOS FRANCISCO VIZCARRA-SANTIAGO, Defendant - Appellant.	No. 08-50189 D.C. No. 3:07-cr-03009-BEN Southern District of California, San Diego ORDER

FILED
SEP 10 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY AKR DEPUTY

Before: PREGERSON, McKEOWN and N.R. SMITH, Circuit Judges.

Appellee's unopposed motion to dismiss this appeal in light of the valid appeal waiver is granted. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (holding that the changes in sentencing law imposed by *United States v. Booker*, 543 U.S. 220 (2005), do not render waiver of appeal involuntary and unknowing).

DISMISSED.

AT/MOATT